

New federal certification, training rule will bring significant change



The Environmental Protection Agency's new certification and training regulation will require ODA to revise elements of its pesticide program. This will ultimately affect certain licensed applicators and those they supervise. However, these changes will not take place immediately.

Will I be affected?

It depends on the type of work you do, the license you hold, and who you supervise. Some major changes are outlined by license type below:

Private Applicators:

- Age requirement: licensed Private Applicators and most unlicensed applicators they supervise must be at least 18 years old.
- New license categories: "soil fumigation" and "non-soil fumigation."
- Non-application use: Those who perform certain non-application uses of restricted use pesticides will need to first obtain a private applicator license or be appropriately supervised by a certified and licensed private applicator. Please see the box for more information about non-application uses of RUPs.
- Applicator competency standards are changing: This means that as ODA adopts these changes, licensees will need to take additional steps to recertify (start a new 5-year certification period). ODA currently plans to adopt a flexible approach that allows applicators to attend a special training or retake exams.
- New training requirements for noncertified applicators: Annual training on pesticide safety and safe operation of equipment.
- Better communication between supervisor and noncertified applicators: Persons being supervised must be able to "immediately communicate" with their supervisor, and the supervisor must provide site/product specific instructions prior to each application.
- Resources for noncertified applicators: A copy

of the pesticide label must be accessible at all times, label-required personal protective equipment (PPE) must be provided, and supervisors must ensure equipment is in safe operating condition daily.

- Sulfur Dioxide Fumigators: Licensed private applicators that fumigate wine barrels with sulfur dioxide will need to obtain a commercial pesticide applicator license.
- Certification Period: Certification periods may not exceed 5 years.

Commercial & Public Pesticide Applicators:

- Applicator competency standards are changing: This means that as ODA adopts these changes, licensees will need to take additional steps to recertify (start a new 5-year certification period). ODA currently plans to adopt a flexible approach that allows applicators to attend a special training or retake exams.
- Changes to application recordkeeping:
- Additional recordkeeping: Records of annual training of noncertified applicators must be accessible for two years.
- Non-application use: Those who perform certain non-application uses of restricted use pesticides will need to first obtain a commercial/public applicator license, or obtain a pesticide apprentice or immediately supervised trainee license and be appropriately supervised by a certified and

licensed commercial/public applicator. Please see the last section of this document for more information about non-application uses of RUPs.

- New training requirements for noncertified applicators: Annual training on pesticide safety and safe operation of equipment.
- Better communication between supervisor and noncertified applicators: Persons being supervised must be able to “immediately communicate” with their supervisor, and the supervisor must provide site/product specific instructions prior to each application.
- Resources for noncertified applicators: A copy of the pesticide label must be accessible at all times, label-required personal protective equipment (PPE) must be provided, and supervisors must ensure equipment is in safe operating condition daily.
- Certification Period: Certification periods may not exceed 5 years.

Pesticide Consultants:

- Demonstration and Research Change: If you apply pesticides for demonstration or research purposes, you will need to have the Demonstration and Research license category, plus the license categories that would be required for non-research work. For example, a consultant that is applying insecticides to a research plot of fruit trees would need both the Demonstration and Research and Agriculture: Insecticide Fungicide license categories.
- Applicator competency standards are changing: This means that as ODA adopts these changes, licensees will need to take additional steps to recertify (start a new 5-year certification period). ODA currently plans to adopt a flexible approach that allows applicators to attend a special training or retake exams.
- Non-application use: Those who perform certain non-application uses of restricted use pesticides will need to first obtain a consultant license with the appropriate license categories. Please see the box for more information about non-application uses of RUPs.

- Certification Period: Certification periods may not exceed 5 years.

Pesticide Apprentices and Immediately Supervised Trainees:

- New training requirements for noncertified applicators: You will need to complete an annual training on pesticide safety and safe operation of equipment. Note: ODA has proposed to EPA an alternative: passing the Oregon Laws and Safety exam will meet the annual pesticide safety training requirement for five years from the date of passing.
- Your supervising commercial or public applicator will need to provide you additional site-specific instructions for each application and ensure your access to the pesticide label and label-required personal protective equipment (PPE).

Pesticide Dealers:

- Additional recordkeeping items for Dealers: including license categories, name and address of noncertified individuals who pick up restricted use pesticides, the EPA registration number, and if applicable, the associated Special Local Need or Emergency Exemption number.

When will these new requirements take effect?

The bulk of these changes will be addressed through rulemaking, which includes a robust process for receiving input from stakeholders and members of the public. ODA anticipates beginning initial discussions for some of these changes this summer. It is likely that the full range of changes required by the federal rule will not be fully implemented for multiple years.

A small proportion of changes required by the federal rule are being considered by the Oregon Legislature this year. These include expanding licensing requirements to include those that perform non-application uses of restricted use pesticides and expanding ODA’s enforcement authority.

Where can I get more information?

If you have questions or comments, contact us at 503-986-4635 or pestx@oda.state.or.us.

RUP “use” includes:

- Pre-application activities involving mixing and loading the pesticide.
- Applying the pesticide, including, but not limited to, supervising the use of a pesticide by a noncertified applicator.
- Other pesticide-related activities, including, but not limited to, transporting or storing pesticide containers that have been opened, cleaning equipment, and disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.